

HAMPTON PLANNING BOARD – MINUTES

December 15, 2004

PRESENT: Robert Viviano, Chairman **ABSENT:** Bill Bilodeau, Alternate
Tracy Emerick, Vice Chairman
Tom Gillick
Tom Higgins
Keith Lessard
Fran McMahon, Clerk
Jim Workman, Selectman Member
Jennifer Kimball, Town Planner
John Harwood, Incoming Town Planner

Mr. Viviano called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Viviano then asked Mr. Emerick to lead the Pledge of Allegiance.

I. CONTINUED PUBLIC HEARINGS:

Before proceeding with the order of cases as published in the agenda, Mr. Viviano announced that five items have been postponed at the request of the applicant. These included:

3. Brian Hayes
Special Permit to construct a 2-unit residential condominium within the Wetlands Conservation District at
0 Post Road
Map 43, Lot 9
Owner of Record: George J. Foster Company, Inc.
4. Drakes Appleton Corporation
Site Plan Review to construct a **48 Unit Condo** with associated parking, utilities, sewer, water, & with 2 options for stormwater control plans at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Waiver requested: For Option A only, Site Plan Regulations Section VII.D.2. (match peak runoff events)
Owner of record: Morgan Ryan Realty Trust
Jurisdiction accepted October 6, 2004, extended by applicant
POSTPONED AT APPLICANT'S REQUEST
5. Drakes Appleton Corporation
Special Permit to work within the Wetlands District, associated with **48 unit Condominium** at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Owner of record: Morgan Ryan Realty Trust
POSTPONED AT APPLICANT'S REQUEST
6. Drakes Appleton Corporation
Site Plan Review to construct **36 unit Townhouse** condominiums at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Waiver Requested: Site Plan Regulations Section VII.D.2 (increase in stormwater runoff)
Owner of Record: Morgan Ryan Realty Trust
Jurisdiction accepted March 3, 2004, extended by applicant
POSTPONED AT APPLICANT'S REQUEST

7. Drakes Appleton Corporation
Special Permit to work within the Wetlands District, associated with **36 unit Townhouse** at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Owner of Record: Morgan Ryan Realty Trust
POSTPONED AT APPLICANT'S REQUEST

Mr. Viviano read a letter from Attorney Stephen Ells requesting postponement of the Brian Hayes special permit application. There was Board discussion regarding agenda items

Mr. Emerick **MOTIONED** to postpone the Special Permit Applications for Brian Hayes at Post Road to the January 5, 2005 Planning Board meeting. Mr. Workman **SECONDED. VOTE: MOTION PASSES UNANIMOUSLY**

Mr. Viviano read a letter from Attorney Michael J. Donahue requesting postponement of the Drakes Appleton Corporation applications. There was Board discussion regarding agenda items already scheduled for future Planning Board meetings.

Mr. Emerick **MOTIONED** to postpone the Drakes Appleton Corporation Site Plan Review and Special Permit Applications associated with the **48 Unit Condo**, as well as the **36 unit Townhouse** the January 19, 2005 Planning Board meeting. Mr. Workman **SECONDED. VOTE: 6-0-1 (Lessard) MOTION PASSES**

I. CONTINUED PUBLIC HEARINGS:

1. H. B. K Street, LLC
Site Plan Review to construct a 4-story, 8-unit Townhouse Condominium with associated parking at
18-22 K Street
Map 290, Lot 164 & 165
Owner of record: Same as above
Jurisdiction accepted 11/3/2004

Attorney Peter Saari of Casassa & Ryan introduced himself. Mr. Joe Coronati of Jones & Beach Engineers, and the applicant, were also introduced. Mr. Harwood provided an overview of the project for the Board's interest stating: the preliminary review was heard in November of 2004, and the applicant has answered all of the issues raised by the Board's from that hearing; maneuverability of the interior parking space; location of the HVAC unit outside the building; details regarding the privacy fence; size of parking garage clearance; lot merger information, all of which has been provided to the Board in their package updates. Mr. Harwood continued: Ambit Engineering has reviewed the project for the Town, however their comments were not returned in time for Board updating. Mr. Harwood suggested the Board verify the responsibility of trash removal by the unit owner or curbside.

Mr. Coronati commented on other areas of Board updates and pointed out the existing sidewalk is located on said property, and curb cuts will be coordinated with Faye, Spofford, & Thorndike. Additionally, the design is based on a 100 year flood; all the existing impervious structures would allow a decrease of flooding issues at this site; runoff is designed to flow underground at this site to decrease the impact on the neighboring sites.

Mr. Workman commented on the ingress/egress and parking out back. Mr. Coronati agreed there might be difficulty with vehicle backing. Mr. Lessard commented on visitor parking having difficulty turning as well.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. Viviano asked for additional Board comments. Hearing none, Mr. Gillick **MOTIONED** to approve the H. B. K Street, LLC Site Plan Review to construct a 4-story, 8-unit Townhouse Condominium with associated parking at 18-22 K Street, Map 290, Lot 164 & 165 subject to the following conditions:

1. A voluntary lot merger form shall be submitted prior to the recording of the plan.
2. A certificate of monumentation is required prior to final approval
3. The Board defines “active and substantial” for, them purposes of RSA 674:39 as after issuance of the C/O for the property.
4. The final engineering and drainage details shall be reviewed by Ambit Engineering
5. Items to be added to sheet C-2
 - a. Merged tax map/lot numbers
 - b. LLS seal
 - c. Proposed monument at SE corner of site
 - d. Plans reference
6. Impact fee for a multi-family structure of \$1,898 per unit shall be due at the application for the building permit.
7. Conditioned on Hampton Fire Department’s memo 11/30/04
8. Conditioned on Hampton Public Works Department’s memo 12/2/04
9. Inspection escrow to be determined by recommendation of DPW.
10. Snow removal shall be the responsibility of the condo association and will be trucked away if storage is not available on site.
11. Prior to final approval, the applicant shall submitted final plans, the recordable mylar, and the appropriate recording fees.

There was Board discussion regarding the verification of the trash collection. Mr. Coronati pointed out the trash cart room and stated the condominium documents would reflect the trash would not be part of the Town’s responsibility.

Mr. Lessard commented about the vinyl siding notes on the plans. There was Board discussion regarding interest in the Architectural products being used. Mr. Workman commented on behalf of the Hampton Beach Commission and the recommendations stated to this applicant were intended to be recommendations not restrictions.

Mr. Workman **SECONDED**.

There was continued Board discussion and suggestions for the applicant to continue to design architecture that would be appealing to the public eye. Mr. Higgins suggested the possibility of the vinyl siding discussion was regarding the lattice work and “J” rail use. Mr. Emerick commented on the cautions the Board should be mindful of to be careful not to deter potential builders to take interest in future Beach projects.

VOTE: MOTION PASSES UNANIMOUSLY.

2. Forest Homes of Massachusetts

Site Plan Review to construct a 3-story multi-use building with retail & lodging and associated parking at

428 Lafayette Road

Map 160, Lot 23

Owner of record: D.L.R., Inc.

Jurisdiction accepted November 17, 2004

Attorney Peter Saari of Casassa & Ryan introduced himself as representing the applicant. Mr. Kurt Grotenhuys of Kimball Chase was introduced as well. Mr. Harwood provided an overview of the project for the Boards interest stating : the preliminary review was heard in November of 2004; there were issues raised by the Board's from that hearing regarding: questions about drainage; maneuverability at the site pertaining to the dumpster; lighting questions; landscaping questions; public safety on site; delivery truck radiuses were submitted. Mr. Harwood stated, Town Attorney Gearreald was consulted regarding the drainage issues: in order to access a Town owned system, the drainage access would required crossing the neighboring property; the railroad right of way would be affected as well.

Mrs. Kimball stated the actual drainage leaving the entire site is less than what is there now. She continued: it is now being directed to a closed system, where currently, is an over land flow; Town Attorney Gearreald suggested, because it is private property, the applicant would be required to obtain an easement from the Railroad Company to protect the properties interest. Mr. Grotenhuys answered Mr. Lessard that the delta they are working is with is a tenth of a CFS; the proposal is to increase the storage on site and decrease the outflow. There was detailed Board discussion regarding the existing Town position regarding drainage issues. Mr. Grotenhuys stated the applicant would have a system designed so there would be no increase to the Town system.

There was Board discussion regarding some of the truck maneuvering frequencies. Mr. Grotenhuys was able to give detail on the deliveries being pulled directly into or backed into without hindrance to other vendor deliveries in the area; other details of off loading were discussed being adjacent to the building allowing ample room for a vehicle to pass; deliveries to be off loaded from the truck and carted into the unit(s). Mr. Lessard stated concerns for the tailgate of the delivery truck protruding onto Lafayette Road.

Mr. Grotenhuys answered Board comments regarding landscaping/lighting plans and pointed out the revised plans show the island has proposed bollards to generate a 25ft. light radius; comments were addressed regarding the revisions made responding to the Ambit Engineering, DPW, and Fire Department reviews. There was Board discussion and the applicant confirmed that the curb line/height will remain as existing and a crosswalk will be added.

OPEN PUBLIC HEARING:

Mr. Eliot Berkowicz, owner of the building directly to the North introduced himself. He stated complaints from his tenants that the rain has caused flooding problems on the easement at the parking for his property; he suggested the applicant further explain and be cautious not to cause further problems; he stated concerns of the lodging use affecting the property values.

Mr. Grotenhuys stated there would be no additional runoff from the proposed site; the lodging is proposed for studio apartments with associated parking; to be rented on a monthly basis, by lease.

CLOSE PUBLIC HEARING.

Mr. Viviano asked for additional Board comments. Hearing none, Mr. Gillick **MOTIONED** to

approve the Forest Homes of Massachusetts Site Plan Review to construct a 3-story multi-use building with retail & lodging and associated parking at 428 Lafayette Road, Map 160, Lot 23, plan #546401 subject to:

1. The Board defines “active and substantial” for, them purposes of RSA 674:39 as after issuance of the C/O for the property.
2. The final engineering and drainage details shall be reviewed by Ambit Engineering and items from their 12/8/04 memo. No net increase in runoff shall be allowed into Town system.
3. Conditioned on DPW memo of 12/8/04 and amended on 12/9/04
4. Items to be added to sheet site plan mylar:
 - Book and page noted for all off-site drainage easements
 - LLS seal/stamp
 - Title and deed reference for site
 - Variances granted by the ZBA listed in notes
 - Planning Board signature block
 - Plans need to be “cleaned-up” to recording standards
 - The location of the nearest fire hydrant needs to be corrected
5. A traffic plan for large delivery vehicles to see how they will get around the site (without extending beyond the property line) and unload on site
6. The lighting plan will include the addition of two bollards light fixtures along the western property line near parking spaces number three and seven.
7. Plan should note that the trash removal shall be privately handled.
8. Plan should note that one parking space will be available for each unit and no more than two persons shall occupy each unit.
9. A certificate of monumentation is required prior to final approval
10. Prior to final approval, the applicant shall submitted final plans, the recordable mylar, and the appropriate recording fees.

Mr. Higgins **SECONDED. VOTE: MOTION PASSES UNANIMOUSLY.**

II. CONSIDERATION OF MINUTES – DECEMBER 1, 2004:

Mr. Gillick noted changes to page 2, middle paragraph to read: “Mr. Gillick expressed concerns about the emergency vehicle access, for emergency vehicles southbound on Ocean Boulevard.”

Also, the end of the next paragraph to delete: “Mr. Colwell answered Mr. Gillick’s question stating all the building materials would be made of non-flammable material.”

Mr. Higgins noted changes to be made on page 3, third paragraph to read: “Mr. Higgins stated concerns for vehicle removal. He requested a letter of proof that a tow company would be able to remove vehicles from the garage. Additionally, Mr. Higgins stated concerns for access with

regards to larger vans, sport utility vehicles, etc...” and eliminating “...should there be a necessity, especially the larger vans, sport utility vehicles, etc...”

Mr. Higgins also stated, before the public hearing a statement was made, and should be added as follows: “Mr. Higgins stated concerns regarding when the trash truck wanted to leave the site, it would have to back out onto Ocean Boulevard before the driver would have a view. The applicant stated it would be a two man job to back out the trash truck; the maintenance man would have to walk out and stop traffic for this to occur.”

Mr. Gillick noted a change after the public hearing, last sentence to read: “Mr. Gillick read the Zoning Regulations, Article 7.7 to clarify it is within the Planning Board’s regulations to discuss the architectural exterior of a proposed project.”

Mr. Viviano noted changes to page 4: “Mr. Maynard clarified the unit owners of Phase III have first option to lease a slip and no dock is included in a unit purchase.

Mr. Gillick noted a change on page 7: “Mr. Gillick **MOTIONED** to deny the Edward L. Keohane Impact Fee Waiver Request for Single Family Structure (fees total \$3,641.00) at 26A Seaview Avenue, Map 133, Lot 33, citing the reasons listed in Attorney Mark Gearreald’s November 2, 2004 memorandum.”

Mr. Higgins noted a change to page 8 to read: “Mr. Higgins pointed out the driveway entering the 50ft. wetland buffer, suggesting it could be relocated to lessen the impact to the wetland.”

Mr. Lessard **MOTIONED** to approve the minutes as amended. Mr. Higgins **SECONDED**.
VOTE: 6-0-1 (Workman) MOTION PASSES.

III. CORRESPONDENCE:

Mr. Harwood commented to the Board as “for your information”: regarding the crosswalk at the Lafayette Road, Dunkin Donuts – it has been agreed to be relocated and changes will occur with cooperating weather conditions. There was detailed Board discussion regarding the curbing on the south side of the driveway and Mr. Viviano suggested Mr. Lessard and Mr. Harwood coordinate with DPW to address concerns.

IV. OTHER BUSINESS:

None.

Mr. Gillick **MOTIONED** to adjourn. Mr. Lessard **SECONDED**. **VOTE: MOTION PASSES.**

Meeting adjourned at 8:35 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary